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VIA FACSIMILE - 4 PAGES (Including This Cover)

Commissioner for Patents
POB 1450, Alexandria, VA 22313-1450
Transmitted to USPTO Central Fax No. 571-273-8300

Re: HONGO et al, Serial No. 10/628,421
Att'y Docket 1113.42986X00
Ex. S. Mulpuri/AU 2812/USPTO Conf. No. 6253

SUBMISSION

Sir:

Applicant hereby transmits the attached "RESPONSE" (3 pages) regarding the above-identified application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached "Response" (3 pages) is being **FORMALLY TRANSMITTED** via the USPTO Central Fax No. 571-273-8300 on **26 August 2005.**


Joy Aiken

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AUG 26 2005

1113.42986X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HONGO et al
Serial No.: 10/628,421
Filed: July 29, 2003
For: Display Device Process And Apparatus For Its Production
Art Unit: 2812
Examiner: S. Mulpur

RESPONSE

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 26, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated July 27, 2005.

The requirement for restriction to one of the inventions identified as Invention I - claims 7 - 11 and 19, drawn to a method and Invention II - claims 12 - 17, drawn to an apparatus, the requirement is traversed as being improper as will be discussed below.

At the outset, it is noted that the Examiner in the prior restriction requirement dated April 18, 2005 considered claims 7 - 17 and 19 as a single invention noting that such claims were drawn to the process and apparatus. Thus, applicants submit that the further restriction requirement represents piecemeal prosecution in this application and is improper.

In setting forth the basis for the restriction requirement, the Examiner cites the requirements of MPEP §806.05(e) stating that "In this case, the instant apparatus

can be used to activate to dopants doped by implantation or diffusion in the semiconductor layer as alternative to treating the polysilicon layer for making the display device as instantly claimed". Applicants note that independent claim 7 of the method and independent claim 12 of the apparatus both recite laser light irradiation of the substrate such that the Examiner's contention concerning activating of dopants rather than treating the polycrystalline silicon layer, does not relate to the claimed invention, noting that MPEP §806.05(e) is in terms of the process as claimed and the apparatus as claimed, such that the Examiner has failed to properly show distinctness in accordance with the requirements of MPEP §806.05(e).

Furthermore, while the Examiner now contends that Invention I is classified in class 438, subclass 30 and Invention II is classified in class 359, subclass 623, it is noted that in the prior office action, the Examiner indicated that claims 7 - 17 and 19 were classified in class 438, subclass 488. Thus, applicants submit that the Examiner's contention concerning different classification is arbitrary and is contrary to the previous classification given. For the foregoing reasons, withdrawal of the restriction requirement is respectfully requested.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, Invention I indicated by the Examiner has including claims 7 - 11 and 19.


Favorable action with respect to all claims present in this application is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1113.42986X00),
and please credit any excess fees to such deposit account.

Respectfully submitted,

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